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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION**

UNITED STATES OF AMERICA

Plaintiff,

vs.

RICHARD LEE ROGERS,

Defendant

**Case No. CR-23-112-BLG-SPW**

**DEFENDANT'S SECOND  
MOTION IN LIMINE TO  
EXCLUDE EVIDENCE**

COMES NOW Defendant, Richard Lee Rogers, by and through his attorneys of record, Evangelo Arvanetes and Edward M. Werner, and the Federal Defenders of Montana, and hereby files this motion in limine to prohibit the government from introducing the following evidence:

- A: AT&T phone call log records.
- B: Phone call records from Congressman Kevin McCarthy's office from the morning of February 3, 2023.
- C: Testimony from NTOC personnel.
- D: Any evidence of phone calls made by Richard to other entities or individuals that are not the subject of the superseding indictment.
- E: If the government seeks to play all 150 NTOC phone call recordings, then Richard moves to limit the number of phone calls to a more reasonable number.
- F: Text messages from Richard to FBI Agent Deurmeier that are not relevant to Counts 1-3.

The justifications for Richard's motion are set out in the accompanying brief.

RESPECTFULLY SUBMITTED this 12th day of August, 2024.

/s/ Edward M. Werner

EDWARD M. WERNER

Federal Defenders of Montana

Counsel for Defendant

**CERTIFICATE OF SERVICE**  
**L.R.5.2(b)**

I hereby certify that on August 12, 2024, a copy of the foregoing document was served on the following persons by the following means:

- 1, 2 CM-EDF
- Hand Delivery
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1. CLERK, UNITED STATES DISTRICT COURT

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3. RICHARD LEE ROGERS  
Defendant

/s/ Edward M. Werner  
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EDWARD M. WERNER  
Federal Defenders of Montana  
Counsel for Defendant